

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2935 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
-

DIPAK V BHANDARI

Versus

PRINCIPAL- LADY NR TATA TECHNICAL INSTITUTE

Appearance:

MR DM THAKKAR for Petitioner

MR VP FANIBANDA for MR TS NANAVATI for Respondent No. 1

MR DP JOSHI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/10/97

ORAL JUDGMENT

1. The matter was not notified on the Board today but on the request of learned counsel for the parties, the matter was called from registry. The learned counsel for the parties filed on record of this Special Civil Application today in the Court, the consent terms which has been arrived into between the petitioner and respondent No.1. This settlement has been signed by both petitioner and principal of respondent No.1. The petitioner is present in the Court who has been identified by his counsel Mr.D.M.Thakkar, and he accepted that he has entered into settlement. I have also ascertained from the petitioner regarding settlement and

he accepted that he has signed the settlement and he has entered into the settlement with respondent No.1.

2. Challenge has been made by petitioner in this Special Civil Application to the order of respondent No.1 dated 29th March 1989 under which his services were terminated. He was working in the institution on the post of Studio Assistant. The respondent No.1 has agreed to reinstate the petitioner back in services with effect from 10th November 1997 and with continuity of services. The respondent No.1 has further given out that it will not take any further disciplinary action in the matter against the petitioner on the basis of show cause notice which has been given to him. The respondent No.1 has further agreed that the period between 29th March 1982 to 10th November 1997 will not be treated as break in services of the petitioner and his services shall be taken to be continuous for all purposes including for the purpose of increment, higher pay scale and retirementary benefits like gratuity, pension, provident fund, according to existing Government rules. The pay of the petitioner shall also be fixed in the new pay scale brought in to force and will be accordingly fixed in that scale when he resumes the service on 10th November 1997, as per existing Rules. The petitioner, in consideration of the above settlement, has foregone his claim for salary inclusive of all the allowances etc. for the intervening period from the date of his discharge till the date of his reinstatement, i.e. 10th November 1997.

2. The Special Civil Application and Rule stands disposed in terms of settlement.

.....

(sunil)